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OFFICE OF THE ATTORNEY GENERAL

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July 9, 2008

**VIA FACSIMILE AND MAIL**

Peter G. Eikenberry  
74 Trinity Place, Suite 1609  
New York, NY 10006

Re: *Castro, et al. v. Spice Place, et al.*, Index No. 07-CV-4657

Dear Mr. Eikenberry:

I write to memorialize the discussion we had on the telephone today regarding the subpoenas directed at the Attorney General and at certain former Assistant Attorneys General in the above-captioned matter. While the Attorney General believes that a motion to quash would be appropriate, I called you to discuss the possibility of resolving our disagreements prior to engaging in motion practice.

We discussed four categories of documents: (1) documents that the defendants in the above-captioned case produced to the Attorney General in the course of his ongoing investigation of them, (2) affidavits of your clients, (3) other affidavits taken in the course of the Attorney General's investigation, (4) calculations or other tabulations compiled by the Attorney General. I indicated that the Attorney General is willing to consider production of some of these documents, and you indicated that you would not seek privileged documents or work product. We agreed that we would meet next Wednesday, July 16, at 10:30 am, to discuss what documents the Attorney General may agree to produce.

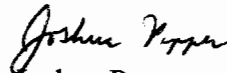
You also indicated that the purpose of the deposition notices directed to AAG Juno Turner and former AAGs Jennifer Brand and Lorelei Boylan is for you to inquire about further documents the Attorney General possesses as a result of the investigation of the defendants in the above-captioned action. We agreed that our meeting may obviate any need for these depositions, and no further action will be taken by you or this office pending this meeting.

Peter G. Eikenberry, Esq.  
Re: *Castro v. Spice Place*

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If you believe that anything in this letter is inaccurate or does not comport with our agreement, please contact me immediately. I look forward to meeting you on the 16<sup>th</sup>.

Yours truly,



Joshua Pepper  
Assistant Attorney General

cc: Juno Turner, Esq.  
Seth Kupferberg, Esq.  
Michael Faillace, Esq.  
Robert Lipman, Esq.  
Richard E. Signorelli, Esq.